

ENTERED

January 07, 2020

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**STATE AUTO PROPERTY AND
CASUALTY INSURANCE COMPANY,**

Plaintiff,

VS.

**RAM INDUSTRIES ACQUISITIONS,
LLC, AND KATYA ATANAS,**

Defendants.

CIVIL ACTION NO. 4:19-CV-00852

ORDER OF DISMISSAL WITHOUT PREJUDICE

On this day, the Court considered the Joint Stipulation of Dismissal Without Prejudice (the “Stipulation”) filed, pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, by Plaintiff State Auto Property and Casualty Insurance Company (“State Auto”) and Defendants RAM Industries Acquisitions, LLC (“RAM”) and Katya Atanas (“Atanas”) (collectively, the “Parties”). The Court finds that this action should be dismissed pursuant to the terms of the Stipulation. Accordingly,

IT IS ORDERED, ADJUDGED and DECREED that:

1. This action is dismissed without prejudice to the refiling of any claims by any of the Parties.
2. Any discovery requests previously served in this action by any of the Parties are deemed withdrawn.

3. The Parties will attempt to resolve by agreement the issues in dispute among them regarding potential coverage for the Underlying Lawsuit¹ under the insurance policy issued by State Auto to RAM. If agreement on the coverage issues cannot be reached, and further coverage litigation among the Parties becomes necessary, such coverage litigation will be filed in the United States District Court for the Southern District of Texas, Houston Division.

4. Each of the Parties will bear its own attorneys' fees and costs incurred in this action.

IT IS SO ORDERED.

1/7/2020 

GEORGE C. HANKS, JR.
U.S. DISTRICT JUDGE

¹ *Katya Atanas v. Wildcat Industries, LLC and RAM Industries Acquisitions, LLC*; Cause No. 2018-61161, in the 333rd Judicial District Court of Harris County, Texas.